

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

LOUIS BRIAN OLESEN, II,  
BARBARA OLESEN,  
AMERICAN SHOOTERS SUPPLY, INC.,

Plaintiffs,

06-CV-0959FJS/DRH

v.

JOHN MORGAN, Special Agent of  
the Federal Bureau of Alcohol,  
Tobacco and Firearms,

Defendant.

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**DEFENDANT'S APPENDIX**

Defendant, John Morgan, Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, by and through his attorney, Kathleen M. Mehltretter, United States Attorney for the Western District of New York, Mary E. Fleming, Special Assistant United States Attorney, of counsel, submits the following Appendix in support of his Motion to Dismiss or, in the alternative, Motion for Summary Judgment:

1. Exhibit A: Plaintiffs' Amended Complaint;
2. Exhibit B: Declaration of Patricia Power, Chief, Federal Firearms Licensing Center, Bureau of Alcohol, Tobacco, Firearms and Explosives;
3. Exhibit C: Declaration of Rory D. O'Connor, Assistant Special Agent in Charge, New York Field Division, Bureau of Alcohol, Tobacco, Firearms and Explosives;

Cases Reported in Westlaw

4. Exhibit D: Olesen v. Morgan, 2008 WL 5157459 (N.D.N.Y.);
5. Exhibit E: Coward v. Gilroy, 2007 WL 1220578 (N.D.N.Y.);
6. Exhibit F: Nonnenmann v. The City of New York; 2004 WL 1119648 (S.D.N.Y.);
7. Exhibit G: Deravin v. Kerik, 2007 WL 1029895 (S.D.N.Y.);
8. Exhibit H: Wright v. New York City Off-Track Betting, 2008 WL 762196 (S.D.N.Y.);
9. Exhibit I: Hargett v. New York City Transit Authority, 2009 WL 2391577 (S.D.N.Y.);
10. Exhibit J: Olesen v. Morgan, 2009 WL 2045682 (N.D.N.Y.); and
11. Exhibit K: DeMuria v. Hawkes, 2004 WL 2216524 (D.Conn.).

DATED: Buffalo, New York, September 21, 2009.

Respectfully Submitted,

KATHLEEN M. MEHLTRETTER  
United States Attorney

By: S/Mary E. Fleming  
MARY E. FLEMING  
Special Assistant U.S. Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2009, I electronically filed the foregoing **DEFENDANT'S APPENDIX**, with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

1. April M. Wilson, Esq.

S/Diane E. Carlsen  
DIANE E. CARLSEN  
Legal Assistant